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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,583	05/03/2001	Wolfgang Matthes	A-2820	8707

24131 7590 08/07/2006  
LERNER GREENBERG STEMER LLP  
P O BOX 2480  
HOLLYWOOD, FL 33022-2480

EXAMINER

PRONE, JASON D

ART UNIT PAPER NUMBER

3724

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “gatherer-stitcher”, of claim 12, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

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2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6, 7, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito (4,922,773).

In regards to claim 1, Ito discloses the same invention including a transport device (53) having a course of motion (Fig. 4), a first drive for driving the transport device (57), a stroke device for moving the knives in a knife motion for performing the trimming of the margins (18), a second drive for driving for driving the stroke device (20), the first drive and the second drive being separate (57 and 20), and both drives being connected to the other via a control system for setting the course of motion of the transport device to the knife motion as a function of product format (Fig. 6).

In regards to claims 2 and 3, Ito discloses the cutting device is capable of trimming margins of joined/stitched-together sheets of paper (7).

In regards to claim 4, Ito discloses the control system includes a first and second control unit (Fig. 6), the first drive being linked to the first control unit (85), a second drive being linked to the second control unit (81), and a connection linking the first control unit to the second control unit (73).

In regards to claims 6 and 7, Ito discloses the first drive is connected by the first control unit and the second drive by the second control unit to a machine control unit (74) and the machine control unit had a human-machine interface (71 and 72).

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In regards to claim 10, the drives are motors (57 and 20) and at least one of the control units has a memory-programmed controller (75 and 76).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of Cannon et al. (4,553,080). Ito discloses the invention including the first and second drives are motors (57 and 20).

However, Ito fails to disclose position transducers connected to the first control unit and drive and to the second control unit and drive. Cannon et al teaches that it is old and well known to exchange encoders for position transducers (Background of the Invention). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Ito with position transducers instead of encoders, as taught by Cannon et al., to provide more a less complex and cheaper apparatus.

6. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleineberg et al. (2,922,171) in view of Ito. Kleineberg et al. disclose the invention, with regards to claim 12, including in combination with gatherer-stitcher (10 and 11), a cutting device for trimming (13), a transport device having a course of motion (12) and a first drive for driving the transport device (15), a stroke device for moving the knives in a

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knife motion for performing the trimming of the margins (24), a second drive for driving for driving the stroke device (22), and the first drive and the second drive being separate (Column 3 lines 32-35). In regards to claim 13, Kleineberg et al. disclose the cutting device is capable of trimming margins of stitched-together sheets of paper (10, 11, and 13).

However, Kleineberg et al. fail to disclose that both of the drives are connected to another via a control system for setting the course of motion of the transport device to the knife motion as a function of product format. Ito teaches two independent drives of a trimming apparatus connected to another via a control system (Fig. 6) for setting the course of motion of the transport device to the knife motion as a function of product format (74). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Kleineberg et al. with a control system connecting both independent drives, as taught by Ito, to allow a control system, rather than a human, to control both independent parts of the apparatus to allow for maximum output.

### ***Response to Arguments***

7. Applicant's arguments filed 16 February 2006 have been fully considered but they are not persuasive. Claim 12 claims the combination of a cutting device and a gatherer-stitcher. The gatherer-stitcher is being claimed and must be shown in the drawings. Drives 20 and 57 are clearly shown as being connected via a control system in Figure 6.

### ***Conclusion***

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8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 7:00-4:30, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

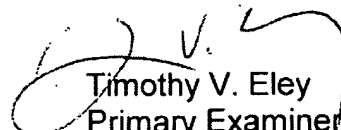
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A handwritten signature consisting of several loops and a vertical line, appearing to be the initials 'JP'.A handwritten signature in black ink, appearing to be 'Timothy V. Eley'.

Timothy V. Eley  
Primary Examiner  
Art Unit 3724

JP  
August 03, 2006